



Title: "Artificial Rock Fragrance Delivery System"
Serial No. 09/779,175
Attorney Docket No. P016937-01DV
Responsive to Final Office Action Mailed May 21, 2003
Date: November 10, 2003

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

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In re APPLICATION of:	Mosbaugh, James)	
)	
Serial No:	09/779,175)	Group Art Unit: 1743
)	
Filed:	Feb. 08, 2001)	Examiner: Cole, Monique T.
)	
For:	Artificial Rock Fragrance Delivery System)	
)	
Attorney Docket:	P016937-01DV)	

Mail Stop AF
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

RESPONSE TO AFTER FINAL OFFICE ACTION

In response to the Final Office Action mailed May 21st, 2003, discussions with the Examiner regarding possible amendment to the claims, and Examiner's rejection of amendments stating that atomizing was not previously considered, Applicant requests reconsideration of the above-referenced application in light of this response and amendment as stated in the following paragraphs.

The Examiner has continued to reject claims 7 and 9 under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,149,474 issued to Rohatyn. The Examiner states that Rohatyn teaches a method of making glass that includes forming molds of an amorphous fused silica composition comprising similar materials and methods as this applicant claims.

Applicant agrees with the Examiner that one could read claims 7 and 9 as covering the material disclosed in Rohatyn and suggested changes to the claims which Examiner then rejected as not being previously considered. Clearly though these are two very different materials. The Rohatyn material is a hard, compact silica composition that is used to make molds that are durable and nonporous enough to accept the molten glass that is poured into the molds to make specialty glass items such as stemware. On the other hand the material of this application is an extremely porous agglomeration of fused microspheres with tremendous interior surface area and very low density. This is clearly a very different material from the mold material of Rohatyn.

The Examiner stated in her first Office Action that claims 8, 10-13, and 15-19 would be allowable if rewritten in independent form and included all the limitations of the rejected base claim. In order to put this application in condition for allowance applicant has cancelled claim 7, without prejudice, incorporated its limitations into amended claim 8 and amended claim 9 to depend on amended claim 8 rather than claim 7. Because the fragrance limitation is now contained in amended claim 8, claims 15 – 19 are redundant and have also been canceled.

The amended claims in this important patent application are in fact drawn to a new, useful and nonobvious invention. Accordingly, Applicant respectfully submits that the invention as now claimed is clearly patentable over Rohatyn and claims 8 through 13 are in condition for allowance.